

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re
Amendment of Section 73.202(b))
Table of Assignments) RM - _____
FM Broadcast Stations)
(Jackson, Kentucky and)
Salyersville, Kentucky) DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Intermountain Broadcasting Company, licensee of FM station WJSN Jackson, Kentucky, ("WJSN"); and Wallingford Broadcasting Company, Inc., licensee of station WRLV-FM Salyersville, Kentucky, ("WRLV-FM") by their attorney, and pursuant to §1.420(g) of the rules, hereby petition for rule making to amend Section 73.202(b) of the Commission's rules as follows: 1) substitute Channel 247C2 in place of Channel 293A at Jackson, Kentucky; 2) modify the WJSN license to specify operation on Channel 247C2; and 3) substitute Channel 293C3 in place of 247A at Salyersville, Kentucky; and 4) modify the WRLV-FM license to specify operation on Channel 293C3.

Stations WJSN and WRLV-FM are Class A stations limited in power and coverage area. They are prohibited from increasing facilities on their own or adjacent channels due to spacing restrictions. A channel upgrade will permit the stations to serve a substantially larger area and more listeners.¹ As

¹ WRLV-FM has a "one-step" application pending for a CP for Channel 247C3 (File BPH-980204IE). When the CP is granted, this rule making may still stand as WRLV-FM seeks Channel 293C3 herein, an equivalent class channel to that requested in the CP application. Moreover, it will not diminish the public interest in this proposal, as WJSN will still be able to achieve significant service area gains.

demonstrated by the joint filing and representations in this petition, the parties mutually agree to pursue these requested modifications.

According to the attached Technical Statement prepared by James P. Gray, the proposed reference coordinates for Channel 247C2 at Jackson are North Latitude 37° 45' 55"; West Longitude 83° 29' 06". The reference coordinates for Channel 293C3 at Salyersville are North Latitude 37° 49' 05"; West Longitude 83° 17' 01". From these coordinates each channel may be allotted as requested consistent with all spacing requirements and good engineering practice.

This proposal requests upgrades on nonadjacent channels which would normally allow for competing expressions of interest. However, in situations similar to the one presented herein, the Commission has acknowledged that while not strictly adjacent channel relationships, the mutual exclusivity of the channels involved is similar to the scenario provided for in Section 1.420(g) of the rules which protects a station from competing applications for upgrades to non-mutually exclusive channels. There are no available alternate channels of the requested class that are fully-spaced from the stations' licensed tower sites. The Commission has stated that it will look at each such request on a case-by-case basis. Modification of FM Broadcast Licenses to Higher Class Co-channels of Adjacent Channels, 60 RR2d 114, ¶24 (1986). Carlisle, Irvine and Morehead, Kentucky, 12 FCC Rcd 13181 (Pol. and Rules 1997).

The present proposal is in the public interest and will result in a more efficient and preferential arrangement of allot-

ments by allowing these stations to expand their coverage areas and provide an improved broadcast service to a greater number of people. But for this rule making, WJSN could not otherwise achieve the requested channel upgrade to improve its service to the public. Given the public interest factors involved, petitioners should be allowed to expand their service without the Commission accepting competing expressions of interest for the higher class channels.

WJSN and WRLV-FM will promptly prepare and file construction permit applications for the improved facilities upon favorable Commission action on this petition, and will promptly construct the new facilities upon grant of the applications.

In view of the above, the Commission should amend Section 73.202(b) as requested herein and modify the facilities for each station as follows:

	<u>Present</u>	<u>Proposed</u>
Jackson, KY	293A	247C2
Salyersville, KY	247A (or 247C3) see fn #1	293C3

Respectfully Submitted,

INTERMOUNTAIN BROADCASTING CO.
WALLINGFORD BROADCASTING CO., INC.

By


John S. Neely
Its Attorney

February 2, 1999

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 20033

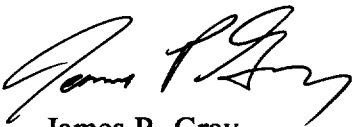
TECHNICAL STATEMENT

This technical statement is in support of a petition for rulemaking, by Intermountain Broadcasting Company, licensee of WJSN, Jackson, Kentucky, proposing a channel change and upgrade for WJSN. WJSN proposes the following channel changes:

STATION	PRESENT : CHANNEL	60 dBu POPULATION	SITE COORDINATES	PROPOSED: CHANNEL	60 dBu POPULATION	REFERENCE COORDINATES
WJSN	293A	13,839	37 32' 46" 83 23' 42"	247C2	141,597	37 45' 55" 83 29' 06"
WRLV	247C3	8,652	37 45' 30" 83 03' 52"	293C3	65,354	37 49' 05" 83 17' 01"

Both reference sites are fully spaced as required by Section 73.207 and provide 70 dBu service over their respective communities of license. This is demonstrated by the reference site spacing studies and 70 dBu reference site contour map included here. The proposed service area population studies and contour technical data is also included.

I certify the information included here is true and correct.



James P. Gray
10 Trinity Place
Fort Thomas, Ky. 41075

January 31, 1999

247C2 REFERENCE SITE

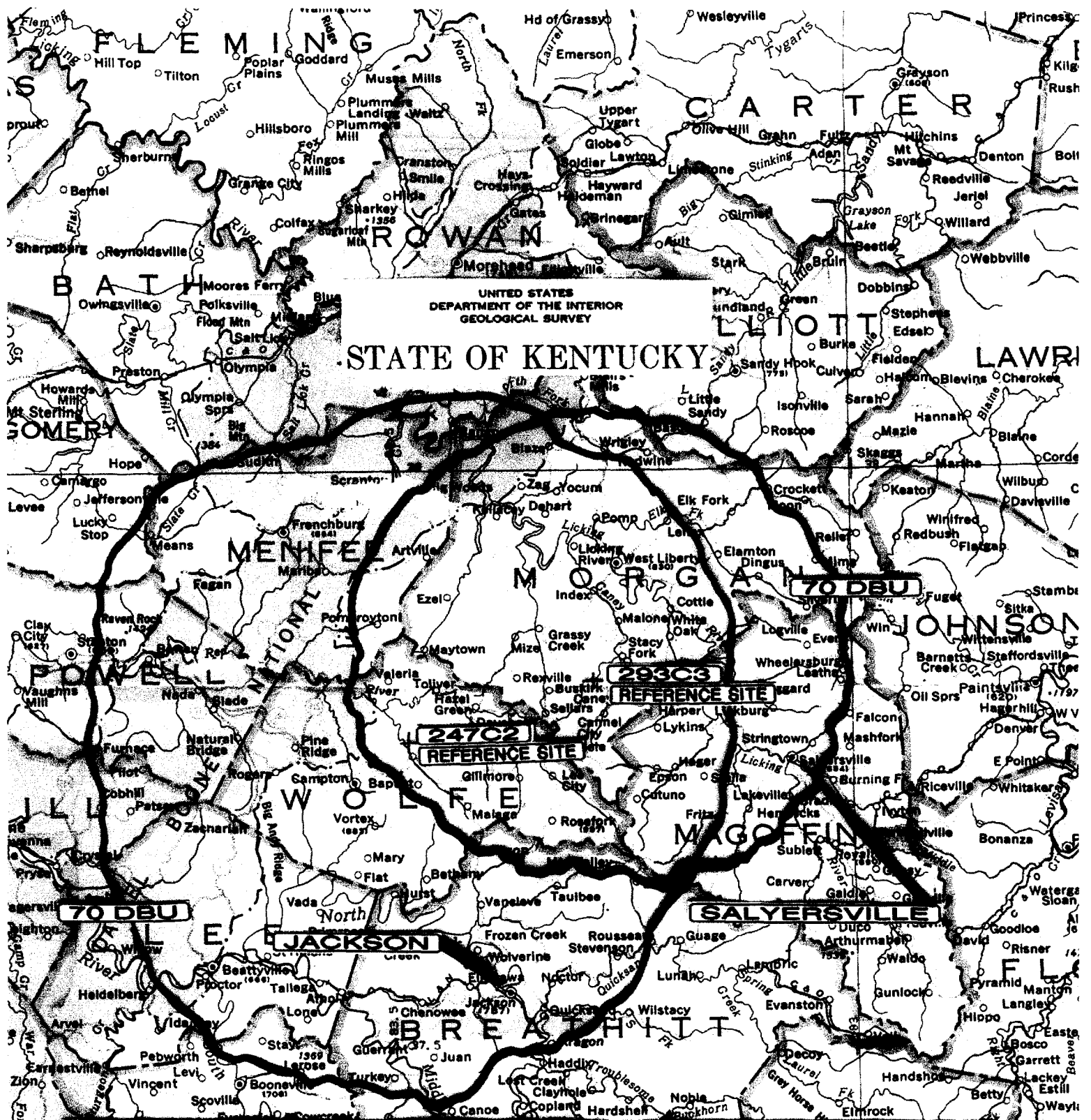
N. Lat. 37 45 55 W. Lng. 83 29 06

Call	CH#	Location		D-KM	Azi	FCC	Margin
ALOPEN	247C3	Salyersville	KY	23.38	117.1	177.0	-153.62
WRLVFM	247C3	Salyersville	KY	37.12	91.2	177.0	-139.88
WRLVFM	247A	Salyersville	KY	37.07	91.1	166.0	-128.93
WSEK	246C2	Somerset	KY	131.07	227.3	130.0	1.07
WQBFBM	248B	Charleston	WV	170.09	64.6	169.0	1.09
WBVB	246A	Coal Grove	OH	110.91	48.3	106.0	4.91
WJXB	248C	Knoxville	TN	198.83	191.7	188.0	10.83
WZQQ	250C3	Hyden	KY	68.82	157.3	56.0	12.82
WYLY	247A	Lebanon	OH	186.60	340.7	166.0	20.60
WGKS	245C2	Paris	KY	86.17	298.0	58.0	28.17
WKBCFM	247C	North Wilkesbo	NC	281.45	131.2	249.0	32.45
WKBCFM	247C	North Wilkesbo	NC	281.47	131.2	249.0	32.47
WWAG	300A	Mckee	KY	55.66	222.3	15.0	40.66
WAMZ	248C1	Louisville	KY	200.27	280.2	158.0	42.27
ALOPEN	250A	Kenova	WV	104.78	49.2	55.0	49.78
WAXZ	249A	Georgetown	OH	125.65	347.0	55.0	70.65
WMJD	249A	Grundy	VA	131.32	112.7	55.0	76.32
WVNU	248A	Greenfield	OH	182.68	3.5	106.0	76.68
WBNSFM	246B	Columbus	OH	248.07	9.0	169.0	79.07
WXBQFM	245C	Bristol	TN	190.35	140.7	105.0	85.35
WAHY. C	300A	Midway	KY	112.14	295.6	15.0	97.14
WKOVM	244B1	Wellston	OH	160.29	28.6	56.0	104.29
WCJO	249A	Jackson	OH	160.29	28.6	55.0	105.29

REFERENCE SITE 293C3

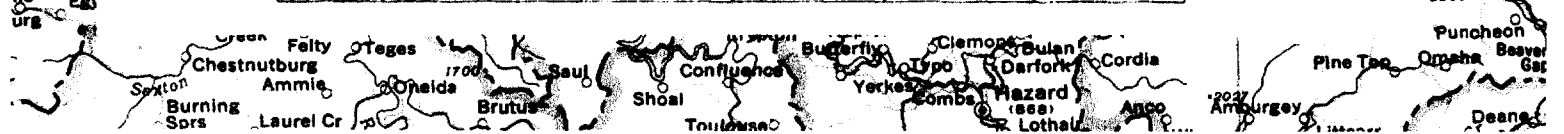
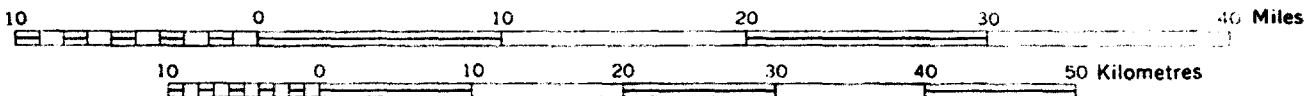
N. Lat. 37 49 05 W. Lng. 83 17 01

Call	CH#	Location		D-KM	Azi	FCC	Margin
WJSNFM	293A	Jackson	KY	31.74	198.0	142.0	-110.26
WMORFM	291C3	Morehead	KY	42.95	340.4	43.0	-0.05
WVKM	294C3	Matewan	WV	99.11	103.0	99.0	0.11
WKXOFM	294A	Berea	KY	89.35	247.2	89.0	0.35
WAMX. C	292B1	Milton	WV	121.22	50.5	114.0	7.22
WSRWFM	294B	Hillsboro	OH	152.27	349.5	145.0	7.27
WNKR	293A	Williamstown	KY	153.91	309.1	142.0	11.91
WCYO	291A	Irvine	KY	58.94	260.3	42.0	16.94
WJDT	293A	Rogersville	TN	159.77	176.7	142.0	17.77
WKCBFM	296A	Hindman	KY	61.54	151.2	42.0	19.54
WJMMFM	292A	Versailles	KY	109.86	283.8	89.0	20.86
WNVAFM	292A	Norton	VA	112.84	146.8	89.0	23.84
WAMX	292A	Milton	WV	121.22	50.5	89.0	32.22
WJMMFM	292A	Versailles	KY	123.45	282.3	89.0	34.45
WRIL	292A	Pineville	KY	123.88	197.7	89.0	34.88
WRIL. C	292A	Pineville	KY	123.89	197.7	89.0	34.89
WFXN. C	296A	Ironton	OH	96.07	33.6	42.0	54.07
WFXN	296A	Ironton	OH	96.38	33.5	42.0	54.38



Scale 1:500,000

1 inch equals approximately 8 miles



POPULATION 247C2 REFERENCE SITE

Coordinates: 37-45-55 83-29-06

Population
within 60dBu

Totals for Bath County (1990 Census):	7,235
Totals for Breathitt County (1990 Census):	15,690
Totals for Carter County (1990 Census):	61
Totals for Clark County (1990 Census):	930
Totals for Clay County (1990 Census):	167
Totals for Elliott County (1990 Census):	3,843
Totals for Estill County (1990 Census):	12,231
Totals for Fleming County (1990 Census):	183
Totals for Floyd County (1990 Census):	38
Totals for Jackson County (1990 Census):	1,039
Totals for Johnson County (1990 Census):	2,082
Totals for Knott County (1990 Census):	116
Totals for Lawrence County (1990 Census):	124
Totals for Lee County (1990 Census):	7,422
Totals for Leslie County (1990 Census):	2
Totals for Magoffin County (1990 Census):	12,226
Totals for Menifee County (1990 Census):	5,092
Totals for Montgomery County (1990 Census):	17,303
Totals for Morgan County (1990 Census):	11,648
Totals for Owsley County (1990 Census):	5,035
Totals for Perry County (1990 Census):	3,705
Totals for Powell County (1990 Census):	11,686
Totals for Rowan County (1990 Census):	17,236
Totals for Wolfe County (1990 Census):	6,503
Totals for Kentucky (1990 Census):	141,597
Total Population (1990 Census):	141,597
Area (Square km):	8540.1

POPULATION 293C3 REFERENCE SITE

Coordinates: 37-49-05 83-17-01

Population
within 60dBu

Totals for Bath County (1990 Census):	714
Totals for Breathitt County (1990 Census):	7,058
Totals for Carter County (1990 Census):	61
Totals for Elliott County (1990 Census):	4,367
Totals for Floyd County (1990 Census):	626
Totals for Johnson County (1990 Census):	7,951
Totals for Lawrence County (1990 Census):	730
Totals for Lee County (1990 Census):	316
Totals for Magoffin County (1990 Census):	12,423
Totals for Menifee County (1990 Census):	4,208
Totals for Morgan County (1990 Census):	11,648
Totals for Powell County (1990 Census):	507
Totals for Rowan County (1990 Census):	8,244
Totals for Wolfe County (1990 Census):	6,501
Totals for Kentucky (1990 Census):	65,354
Total Population (1990 Census):	65,354
Area (Square km):	4748.7

TERRAIN AND CONTOUR DATA
247C2 REFERENCE SITE

ERP = 50 kW
FM - 2-6 Tables 30 Sec

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 60 dBu Contour km
0	312.9	152.1	16.990	52.5
45	304.3	160.7	16.990	53.5
90	327.5	137.5	16.990	50.5
135	327.6	137.4	16.990	50.5
180	305.2	159.8	16.990	53.4
225	308.0	157.0	16.990	53.1
270	333.0	132.0	16.990	49.7
315	302.1	162.9	16.990	53.8

Ave. = 315.1 M 149.9 M				

Antenna Radiation Center AMSL = 465.0 M

Geographic Coordinates:

North latitude: 37 45 55
West longitude: 83 29 06

TERRAIN AND CONTOUR DATA
293C3 REFERENCE SITE

ERP = 25 kW
FM - 2-6 Tables 30 Sec

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 60 dBu Contour km
0	278.1	128.9	13.979	43.2
45	299.3	107.7	13.979	40.3
90	293.4	113.6	13.979	41.2
135	315.8	91.2	13.979	37.6
180	342.2	64.8	13.979	32.1
225	333.0	74.0	13.979	34.1
270	307.0	100.0	13.979	39.1
315	286.6	120.4	13.979	42.1

Ave. = 306.9 M 100.1 M				

Antenna Radiation Center AMSL = 407.0 M

Geographic Coordinates:

North latitude: 37 49 05
West longitude: 83 17 01